

REMARKS

Applicants respectfully request reconsideration in view of the amendment and the following remarks. Support for amended claim 1 can be found in the original claims 1 and 6. Support for amended claim 10 can be found in paragraph no. 38 of the published specification (US 2006/0211097). Support for newly added claim 17 can be found in paragraph no. 38 of the published specification. Support for newly added claims 18 and 19 can be found in the specification in paragraph no. 0018.

Claims 1-9 and 13-16 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 199829561 (WO '561). Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forro et al., Mini-Reviews in Organic Chemistry (2004), 1(1), 93-102 (Forro) or Forro et al., Organics Letters (2003), 5(8), 1209-1212 (Forro II) or Kanerva et al., Tetrahedron: Asymmetry (1996), 7(6), 1705-1716 (Kanerva) in view of WO 561. The applicants respectfully traverse these rejections.

Comments to Interview Summary

The applicant thanks the Examiner for conducting the interview on July 11, 2008. The applicant and the Examiner discussed claims 1-16 and all prior art. The undersigned suggested amending independent claims 1 and 10 as currently presented. The undersigned argued that the applied references do not teach or suggest the required lipases or the structure of the recited compounds/substrates.

35 U.S.C. 112, Second Paragraph Rejection

Claims 1-9 and 13-16 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant believes that the claims as amended are in compliance with 35 U.S.C. 112, second paragraph. With respect to R3 is an organic residue the applicant refer to examples 3a, 3b, 4a and 4b as examples of an organic residue. Organic residue is further defined in the applicant's published specification in paragraph no. 0018 (also see claims 18 and 19). For the above reasons, this rejection should be withdrawn.

35 U.S.C. 102(b) Rejection

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by WO '561. The applicant has two independent claims (claims 1 and 10). Claim 1 requires *Pseudomonas cepacia* lipase. This is not taught nor suggested by WO '561.

Independent 10 requires that the heterocycle is a 4-6 membered ring. WO '561 teaches a 7-membered. WO '561 does not teach a 4-6 membered ring. For the above reasons, this rejection should be withdrawn.

35 U.S.C. 103(a) Rejection

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forro et al., Mini-Reviews in Organic Chemistry (2004), 1(1), 93-102 (Forro) or Forro et al., Organics Letters (2003), 5(8), 1209-1212 (Forro II) or Kanerva et al., Tetrahedron: Asymmetry (1996), 7(6), 1705-1716 (Kanerva) in view of WO 561.

Forro et al., Mini-Reviews in Organic Chemistry (2004), 1(1), 93-102 (Forro) is not prior art since it published in 2004. The applicant PCT was filed April 2, 2004. The applicant's priority application was filed

Forro II has two rings and the applicant has a ring (R1-NZ-CHR2) system connect to a CH₂ group. The CH₂ group in the applicant's claimed invention connects to the possible ring and to COOR₃. Forro II does not disclose the CH₂ group being connected to the COOR group.

Kanerva, like Forro II does not disclose the CH₂ group being connected to the COOR group.

As stated above, WO '561 does not teach the applicant's claimed invention. Again, claim 1 requires *Pseudomonas cepacia* lipase. This is not taught nor suggested by WO '561. Furthermore, enclosed is a declaration which establishes unexpected results comparing *Pseudomonas cepacia* lipase to *Candida Antartica* lipase. The declaration establishes that not all lipases are created equal. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A two-month extension of time fee has been paid. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05129-00104-US from which the undersigned is authorized to draw.

Dated: September 2, 2008

Respectfully submitted,

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ENCLOSURE: DECLARATION